

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEANNATAE M. HATTEN,

Defendant.

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CASE NO. 8:10CR21

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Defendant's objections (Filing No. 21) to the Magistrate Judge's order (Filing No. 20) denying the Defendant's motion to continue the change of plea hearing scheduled for March 24, 2010, at 2:00 p.m.

Under 28 U.S.C. § 636(b)(1)(A) and NECrimR 59.2, the Court has reviewed the order to which the Defendant objects. A district court may set aside any part of the magistrate judge's order, on a non-dispositive matter, shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

The Defendant moved to continue the change of plea hearing for 90 days in light of recent crack cocaine legislation. The motion is opposed. Judge Gossett declined to continue the hearing. The Defendant's objection rests entirely on the pending legislation that will result in a lower sentencing guideline range. This case is unaffected by the impending change in statutory minimums. Judge Gossett's order is not clearly erroneous or contrary to law. Moreover, in this case and similar cases, the Court intends to apply the lower crack cocaine ratio.

IT IS ORDERED:

1. The Defendant's objections to the Magistrate Judge's order (Filing No. 21) are denied; and
2. The Magistrate Judge's order (Filing No. 20) denying the Defendant's motion to continue the change of plea hearing is affirmed.

DATED this 23rd day of March, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge